

Exhibit 26



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VIA FEDEX AND E-MAIL

January 26, 2021

Albert T. Van Huff, Esq.
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Cynthia Johnson Walden
Principal
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617 956 5928 direct

Re: BISOUS Trademark

Dear Mr. Van Huff,

We are intellectual property counsel to Bisous Bisous LLC which does business as Bisous Bisous Pâtisserie (hereinafter “Bisous Bisous”) and I am writing to you on their behalf.

As you may know, Bisous Bisous is a Dallas-based café and pastry shop that specializes in French-style pastries. Started in 2012, and then launching their own brick-and-mortar patisserie in 2015, Bisous Bisous quickly gained acclaim and a devout following for their baked goods and café service which have been sold and rendered under the BISOUS BISOUS and BISOUS BISOUS PÂTISSERIE trademarks (collectively, the BISOUS BISOUS Marks”).

As a result of Bisous Bisous’s considerable investment of time, energy, and resources in the advertising and promotion of its baked goods and café services provided under the BISOUS BISOUS Marks, the BISOUS BISOUS Marks have become well-known to the public and trade as identifying and distinguishing Bisous Bisous exclusively as the source of the high quality goods and services in connection with which the mark is used, and the marks represent considerable goodwill of great value to our client. The popularity of the BISOUS BISOUS brand is apparent from the numerous awards and recognitions received that Bisous Bisous has received, which include:

- D Magazine’s “Best of Big D” for Best Bakery for Sweets in 2015;
- D Magazine’s “Reader’s Choice” Best Bakery for Sweets in 2016;
- Dallas Observer’s “Best of Dallas” Best Bakery in 2017;
- Chef-Owner Andrea Meyer named CultureMap TasteMaker Award’s 2019 Pastry Chef of the Year; and
- Dallas Observer’s “Best of Dallas” Best Bakery in 2020.

In addition to its common law rights, Bisous Bisous owns the following federal trademark registrations:

- BISOUS BISOUS, Reg. No. 4,811,207, covering “bakery goods, excluding solid chocolate” in Class 30.
- BISOUS BISOUS, Reg. No. 5,120,605, covering “retail bakery shop” in Class 35;



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- BISOUS BISOUS, Reg. No. 5,120,606, covering “café and restaurant services” in Class 43.
- BIOUS BISOUS PÂTISSERIE [& Design], Reg. No. 4,811,208, covering “bakery goods, excluding solid chocolate” in Class 30.
- BISOUS BISOUS PÂTISSERIE [& Design], Reg. No. 5,106,226, covering “retail bakery shop” in Class 35;
- BISOUS BISOUS PÂTISSERIE [& Design], Reg. No. 5,106,227, covering “café and restaurant services” in Class 43.

Proof of registration is attached as **Exhibit A**. These federal trademark registrations are valid and subsisting and Bisous Bisous owns all right, title, and interest in the marks shown therein. As the owner of the trademark rights in the BISOUS BISOUS Marks, Bisous Bisous has the exclusive right to use, and to authorize others to use, the BISOUS BIOUS Marks.

It has recently come to our attention that your client, the Clé Group, has opened BISOU restaurant in Houston, Texas and intends to open a BISOU restaurant in Dallas, Texas. See: <https://bisourestaurant.com/> and <https://www.instagram.com/bisoudtx/>.

The BISOU mark is confusingly similar to the BISOUS BISOUS marks. First, there is no question that the marks are similar as to sight, sound, meaning, and commercial impression given the BISOU is the singular form BISOUS – which also applies to the English translation of the terms in “KISS” versus “KISSES.” Second, Clé Group uses the BISOU mark in connection with identical goods and services to those under the BISOUS BISOUS Marks, which include restaurant services featuring brunch menus and baked goods. Third, the BISOU mark is used in connection with goods and services that are rendered to the same customers in the same channels of trade as our client’s goods and services sold under the BISOUS BISOUS Marks. That the customers and channels of trade are identical is demonstrated by Clé Group’s planned Dallas location being one (1) mile away from – and on the same road as – Bisous Bisous’ brick-and-mortar location.

Given the close resemblance between the marks and the highly similar manner in which they are used, Bisous Bisous is concerned that Clé Group’s BISOU mark is likely to cause confusion and will lead consumers to mistakenly believe that Clé Group’s restaurant and food are affiliated with Bisous Bisous and/or that Bisous Bisous has approved or endorsed Clé Group’s restaurant and food, when it has not. Accordingly, Bisous Bisous hereby demands that Clé Group:

1. Cease use of the BISOU mark; and
2. Undertake never to use or apply to register a trademark that features the term BISOU in connection with food or restaurant services.

Our client would like to resolve this matter amicably. We hope that your client shares this sentiment. As our client is aware of the financial hardships being experienced by the restaurant industry during these



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trying times, they are willing to work with Clé Group on a reasonable phase-out of the use of the BISOU trademark in connection with the Houston restaurant. However, no other use of the mark is permissible – especially in connection with the restaurant to be opened at 2619 McKinney Avenue in Dallas.

In order to resolve this matter before incurring any unnecessary expenses in connection with a dispute, we request that your client provide a proposal for a phase-out plan for the BISOU mark in Houston and otherwise confirm that it will comply with the demands above by **February 8, 2021**.

Nothing in this letter shall be construed as a waiver or relinquishment of any rights or remedies of Bisous Bisous in regard to this matter. All such rights and remedies, whether at law or in equity, are hereby expressly reserved.

Please give this matter your immediate attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cynthia Johnson Walden", with a long, sweeping horizontal line extending to the right.

Cynthia Johnson Walden

Exhibit A

United States of America
United States Patent and Trademark Office

BISOUS BISOUS

Reg. No. 4,811,207

Registered Sep. 15, 2015

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

BISOUS BISOUS LLC (TEXAS LIMITED LIABILITY COMPANY), DBA BISOUS BISOUS
PATISSERIE
4463 BIRDSONG LANE
PLANO, TX 75093

FOR: BAKERY GOODS, EXCLUDING SOLID CHOCOLATE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-22-2012; IN COMMERCE 11-22-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF "BISOUS BISOUS" IN THE MARK IS "KISSES KISSES".

SER. NO. 86-370,071, FILED 8-18-2014.

ODESSA BIBBINS, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BISOUS BISOUS

Reg. No. 5,120,605

Registered Jan. 10, 2017

Int. Cl.: 35

Service Mark

Principal Register

Bisous Bisous LLC (TEXAS LIMITED LIABILITY COMPANY), DBA Bisous Bisous Patisserie ,
4463 Birdsong Lane
Plano, TX 75093

CLASS 35: Retail bakery shop

FIRST USE 10-27-2012; IN COMMERCE 10-27-2012

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4811207

The English translation of "BISOUS BISOUS" in the mark is "KISSES KISSES".

SER. NO. 86-774,253, FILED 09-30-2015

ALICE MEDINA BENMAMAN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BISOUS BISOUS

Reg. No. 5,120,606

Registered Jan. 10, 2017

Int. Cl.: 43

Service Mark

Principal Register

Bisous Bisous LLC (TEXAS LIMITED LIABILITY COMPANY), DBA Bisous Bisous Patisserie ,
4463 Birdsong Lane
Plano, TX 75093

CLASS 43: Cafe and restaurant services

FIRST USE 10-27-2012; IN COMMERCE 10-27-2012

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4811207

The English translation of "BISOUS BISOUS" in the mark is "KISSES KISSES".

SER. NO. 86-774,255, FILED 09-30-2015

ALICE MEDINA BENMAMAN, EXAMINING ATTORNEY



Michelle K. Lee

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United States of America

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Reg. No. 4,811,208

Registered Sep. 15, 2015

Int. Cl.: 30

BISOUSBISOUS LLC (TEXAS LIMITED LIABILITY COMPANY), DBA BISOUSBISOUS
PÂTISSERIE
4463 BIRDSONG LANE
PLANO, TX 75093

FOR: BAKERY GOODS, EXCLUDING SOLID CHOCOLATE, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 11-22-2012; IN COMMERCE 11-22-2012.

PRINCIPAL REGISTER

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PÂTISSERIE", APART FROM
THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "BISOUSBISOUS" BETWEEN TWO PARALLEL
HORIZONTAL LINES; THE UPPER LINE AT MIDPOINT SHOWS THE DRAWING OF A
BEE; THE LOWER LINE MIDWAY SHOWS THE WORD "PÂTISSERIE".

THE ENGLISH TRANSLATION OF "BISOUSBISOUS" IN THE MARK IS "KISSESKISSES".

SER. NO. 86-370,075, FILED 8-18-2014.

ODESSA BIBBINS, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,106,226

Registered Dec. 20, 2016

Int. Cl.: 35

Service Mark

Principal Register

Bisous Bisous LLC (TEXAS LIMITED LIABILITY COMPANY), DBA Bisous Bisous Patisserie ,
4463 Birdsong Lane
Plano, TX 75093

CLASS 35: Retail bakery shop

FIRST USE 10-27-2012; IN COMMERCE 10-27-2012

The mark consists of the words "BISOUSBISOUS" between two parallel horizontal lines; the upper line at midpoint shows the drawing of a bee; the lower line midway shows the word "PÂTISSERIE".

OWNER OF U.S. REG. NO. 4811208

No claim is made to the exclusive right to use the following apart from the mark as shown: "PÂTISSERIE"

The English translation of "BISOUSBISOUS" in the mark is "KISSESKISSES".

SER. NO. 86-774,188, FILED 09-30-2015
ALICE MEDINA BENMAMAN, EXAMINING ATTORNEY



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Reg. No. 5,106,227

Registered Dec. 20, 2016

Int. Cl.: 43

Service Mark

Principal Register

Bisous Bisous LLC (TEXAS LIMITED LIABILITY COMPANY), DBA Bisous Bisous Patisserie ,
4463 Birdsong Lane
Plano, TX 75093

CLASS 43: Café and restaurant services

FIRST USE 10-27-2012; IN COMMERCE 10-27-2012

The mark consists of the words "BISOUSBISOUS" between two parallel horizontal lines; the upper line at midpoint shows the drawing of a bee; the lower line midway shows the word "PÂTISSERIE".

OWNER OF U.S. REG. NO. 4811208

No claim is made to the exclusive right to use the following apart from the mark as shown: "PÂTISSERIE"

The English translation of "BISOUSBISOUS" in the mark is "KISSESKISSES".

SER. NO. 86-774,193, FILED 09-30-2015

ALICE MEDINA BENMAMAN, EXAMINING ATTORNEY



Michelle K. Lee

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Patent and Trademark Office